

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 03-2008-7034
Case Name: E I DUPONT DE NEMOURS & CO
Case Category: Judicial
Case Status (as of 01/30/2014): Final Order Entered
Case Lead: EPA
Court Docket Number: 6:13-cv-27030
DOJ Docket Number: 90-5-2-1-09610

Relief Sought: Injunctive Relief, Penalty
Enforcement Outcome: --
Headquarters Division: --
Branch: --
Result of Voluntary Disclosure? No
Multi-media Case? --
Enforcement Type: Civil Judicial Action
Violations: Failure To File Reports, Volatile Hazardous Air Pollutants

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$400,000
Total State/Local Penalty Assessed: \$400,000
Total SEP Cost: \$0
Total Compliance Action Cost: \$2,500,000
Total Cost Recovery: \$0

Case Summary

THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) TOEDAY ANNOUNCED THAT E.I. DUPONT DE NEMOURS AND COMPANY DUPONT)) HAS AGREED TO SETTLE ALLEGED CLEAN AIR ACT VIOLATIONS AT DUPONT'S WASHINGTON WORKS FACILITY, LOCATED IN WASHINGTON, WOOD COUNTY, WEST VIRGINIA.A PROPOSED SETTLEMENT, INVOLVING DUPONT, THE UNITED STATES, AND THE STATE OF THE WEST VIRGINIA, WAS FILED TODAY IN FEDERAL DISRICT COURT IN CHARLESTON, WEST VIRGINIA BY THE U.S. DEPARTMENT OF JUSTICE. UNDER THE TERMS OF HE PROPOSED CONSENT DECREE, DUPONT HAS AGREED TO PAY A CIVIL PENALTY, AND IMPLEMENT SEVERAL SAFEGUARDS TO LIMIT EMISSIONS OF HAZARDOUS AIR POLLUTANTS (HAPs), INCLUDING VOLATILE ORGANIC COMPOUNDS (VOCs) SUCH AS FORMALDEHYDE, METHANOL AND ACETAL. VOCs CONTRIBUTE TO THE FORMATION OF GROUND-LEVEL OZONE, WHICH IS A MAJOR COMPONENT OF SMOG AND CAN CAUSE OR AGGRAVATE RESPIRATORY DISEASE. OZONE ALSO CAUSES DAMAGE TO FORESTS AND CROPS, FABRIC AND EXTERIOR COATINGS SUCH AS OIL AND ACRYLIC LATEX, OIL COATINGS AND AUTOMOTIVE FINISHES. SOME KNOWN OR SUSPECTED EFFECTS OF EXPOSURE TO HAP's INCLUDE CANCER, REPRODUCTIVE HEALTH PROBLEMS, AND BIRTH DEFECTS.THIS ENFORCEMENT ACTION IS PART OF EPA'S NATIONAL INITIATIVE TO REDUCE EMISSIONS OF HAPs BY ENFORCING COMPLIANCE WITH THE CLEAN AIR ACT'S LEAK DETECTION AND REPAIR (LDAR) REGULATIONS. EPA HAS DETERMINED THAT LEAKING EQUIPMENT SUCH AS VALVES, PUMPS AND CONNECTORS ARE THE LARGEST SOURCE OF EMISSIONS OF HAZARDOUS AIR EMISSIONS FROM CHEMICAL MANUFACTURERS AND PETROLEUM REFINERIES. A FACILITY THAT IS SUBJECT TO LDAR REQUIREMEMTS MUST MONITOR EQUIPEMNT CONTAINING HAPs AT REGULAR INTERVALS TO IDENTIFY LEAKS, AND LEAKING COMPONENTS MUST THEN BE PROMPTLY REPAIRED OR REPLACED.IN A CIVIL COMPLAINT, FILED WITH THE PROPOSED SETTLEMENT, THE UNITED STATES, ON BEHALF OF EPA, AND WEST VIRGINIA ALLEGED SEVERAL VIOLATIONS OF LDAR SAFEGUARDS AT DUPONT'S WASHINGTON WORKS FACILITY. THE VIOLATIONS, WHICH ARE ALLEGED TO HAVE BEGUN IN 2007 INCLUDED AILURE TO MONITOR PUMPS, VALVES AND

CONNECTORS; FAILURE TO CALIBRATE MONITORING EQUIPMENT; FAILURE TO IDENTIFY AND REPORT EQUIPMENT CONTAINING HAP's; FAILURE TO CLOE OPEN-ENDED LINES CONTAINING HAPs; AND, FAILURE TO CONDUCT REQUIRED PRESSURE TESTS. In addition to the penalty, to be divided equally between the United States and West Virginia, the consent decree includes injunctive relief requiring DuPont to implement several measures to improve Clean Air Act compliance and reduce emissions of HAPs at the Washington Works plant. Among other measures, DuPont will commission an independent third-party LDAR applicability audit of the facility; prepare a detailed LDAR manual covering all regulated process units at the facility; implement a LDAR training program; institute a two-year enhanced LDAR program; and conduct quarterly quality assurance and quality control reviews and annual audits of the enhanced LDAR program to review compliance with the consent decree.

Laws and Sections

| Law | Sections | Programs |
|-----|-----------------|----------------------------------------------------------|
| CAA | 112D, 112H, 112 | MACT Standards, Work Practices, Hazardous Air Pollutants |

Citations

| Title | Part | Section |
|--------|------|------------|
| 40 CFR | 63 | Subpart UU |
| 40 CFR | 63 | Subpart YY |
| 40 CFR | 71 | -- |
| 40 CFR | 63 | Subpart H |

Facilities

| FRS Number | Facility Name | Address | City Name | State | Zip | SIC Codes | NAIC Codes |
|--------------|-----------------------------------------------------|------------------|------------|-------|-------|----------------------------------------------|------------|
| 110000586081 | DUPONT SPECIALTY PRODUCTS US, LLC, WASHINGTON WORKS | 8480 DUPONT ROAD | WASHINGTON | WV | 26181 | 2821 2824 2869 3089 3423 4953 | 325222 |

Defendants

| Defendants and Settlements | In Complaint | In Settlement |
|------------------------------|--------------|---------------|
| E. I. DUPONT DE NEMOURS & CO | Y | Y |

Related Case Documents

| Document | Facility Name | Publish Date | EPA Program |
|--------------------------|---------------|--------------|-------------|
| No data records returned | | | |

Case Milestones

| Event | Actual Date |
|---------------------------------|-------------|
| Referred To Dept Of Justice | 09/30/2008 |
| Enforcement Action Data Entered | 10/01/2008 |
| Final Order Lodged | 10/28/2013 |
| Complaint Filed With Court | 10/28/2013 |
| Final Order Entered | 01/30/2014 |

Pollutants

| Pollutant Name | Chemical Abstract Number |
|----------------|--------------------------|
| 2-Ethylhexanol | 104767 |
| Benzene | 71432 |
| Formaldehyde | 50000 |
| Heptane | 142825 |
| Methanol | 67561 |

Related Activities

| Description | Actual Date |
|--------------------------|-------------|
| No data records returned | |

Final Order 1

Final Order Type: Consent Decree or Court Order Resolving a Civil Judicial Action

Final Order Name: E I DUPONT DE NEMOURS & CO

Linked Facilities (FRS ID): 110000586081

Final Order Lodged Date: 10/28/2013

Final Order Entered Date: 01/30/2014

Enforcement Action Closed Date: --

Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$400,000

State/Local Penalty Assessed: \$400,000

SEP Value: --

Compliance Action Cost: \$2,500,000

Federal Cost Recovery Awarded: \$0

Complying Actions

| Complying Action ID | Category | Description |
|---------------------|-------------------------------|-----------------------|
| 3400008883 | Work Practices | Auditing |
| 3400008884 | Work Practices | Record-keeping |
| 3400008885 | Work Practices | Reporting |
| 3400008886 | Work Practices | Work Practices |
| 3400009203 | Reduction of Ongoing Releases | Leak Repair (LDAR) |
| 3400009204 | Prevention of Future Releases | Leak Detection (LDAR) |

Supplemental Environmental Projects

| SEP ID | Category | SEP Value | Description |
|--------------------------|----------|-----------|-------------|
| No data records returned | | | |

Pollutant Reductions

| Resulting From | Pollutant | Annual Amount | Units | Media Affected |
|------------------|--------------------------------|---------------|-------|----------------|
| CA ID 3400009203 | Total hazardous air pollutants | 1,000 | PNDYR | Air |
| CA ID 3400009204 | Total hazardous air pollutants | 24,000 | PNDYR | Air |

